

Exhibit D

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
JOSEPH J. FARNAN, JR.
JUDGE

LOCKBOX 27
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801

February 5, 2004

State Medical Board of Ohio
77 South High Street, 17th Floor
Columbus, OH 43215

RE: Dr. Robert A. Berkman

Dear Medical Board Members:

I write in response to a request by Mr. Byers in an attempt to provide you with information relevant to the conviction and sentence of Dr. Berkman in my Court in July 2003, so that you can make an accurate assessment of the facts and circumstances relevant to this case. Dr. Berkman's conviction arose because of his involvement in technical violations of the Prescription Drug Marketing Act. It is my understanding that these violations arose in connection with a scheme that was devised and implemented by Astra Zeneca. Because of the widespread nature of this scheme, I have had the unfortunate experience of having to sentence other physicians in connection with similar offenses; and I anticipate that others may still be charged.

On November 6, 2003, I sentenced Dr. Berkman to one year of unsupervised probation. The sentence I imposed reflected my view of Dr. Berkman's situation and the degree of his culpability. At Dr. Berkman's sentencing hearing, I expressed my view that the perpetrator of this crime was the drug company and its sales representatives. In this regard, I commented:

I've told the other doctors [who appeared before me in connection with a similar offense] that in my view, the perpetrator here was the drug company and the sales representatives. I told the last doctor who was here if he felt that he was being treated unjustly, his feeling is correct he was being treated unjustly.

(Hearing Tr. 11/5/03 at 7.)

I further stated to Dr. Berkman, "It would be a real travesty if you weren't

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allowed to treat patients -- a real travesty." (Id.)

I stand by all the comments I made at Dr. Berkman's sentencing hearing and hope that this information will assist you as you undertake the difficult task of considering whether Dr. Berkman is permitted to retain his license to practice medicine.

Sincerely,



JOSEPH J. FARNAN, JR.

JJFjrsb